

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

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RUDY GUTIERREZ PADEREZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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2:16-CV-126

**ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING PETITIONER'S MOTION TO WITHDRAW, and
DISMISSING MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE**

Came for consideration the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed by petitioner RUDY GUTIERREZ PADEREZ. On September 29, 2017, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the motions to withdraw filed by petitioner on August 15, 2016 and August 22, 2016 be granted, and petitioner's motion to vacate be dismissed. No objections to the Report and Recommendation have been filed as of this date.

Having made an independent examination of the record in this case and having examined the Report and Recommendation of the Magistrate Judge, the undersigned United States District Judge hereby ADOPTS the Report and Recommendation. Accordingly, petitioner's motions to withdraw are GRANTED, and the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed by petitioner is DISMISSED.

IT IS SO ORDERED.

ENTERED this 25th day of October 2017.

s/ Mary Lou Robinson

MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE